

REMARKS

In response to the rejection of former Claim 9 on the ground of alleged non-enablement, attention is called to Fig. 3 and the full, detailed description of band 18 and its function on page 3, lines 1 - 11 of the Specification as filed. Accordingly, this ground of rejection is factually incorrect and must be withdrawn.

The substance of former Claim 9 has been combined with that of former Claim 1, and is presented as new Claim 15. In the absence of any rejection on the merits of former Claim 9, and absolutely no suggestion thereof in the prior art, new Claim 15 is obviously allowable and such action is respectfully requested.

New Claims 16 - 17 are dependent upon allowable Claim 15, directly or indirectly, and each of such claims recites additional novel structure not in any way suggested by any known prior art. Accordingly, allowance of Claims 15 - 17 is in order and is respectfully solicited.

New independent Claim 18 recites the "attachment means" as including "a launch strip" as shown, for example, as element 14 and taught only by Applicant. The launch strip encloses the streamers(s) prior to launch, and is directly connected to the streamer. This is totally contrary to the Schofield toy wherein

the ball is, and must be, connected to the hand by an elongated, elastic cord b.

In addition to this contrary structure, the entire function and operation of the Schofield toy and Applicant's streamer are totally contrary. For example, Schofield's toy must be controlled by the cord to release the wing segments, and cause it to bounce up and down in use. In Applicant's streamers, the streamer is not so controlled. It does its own thing and flies into the air as a comet; i.e., there is no control of its flight or motion as in the winged ball.

In addition, there is no problem of retrieval of a loose object in the Schofield toy. Whenever desired, the user simply grasps the ball and puts it away. In Applicant's invention, loose streamers have been a very severe problem, even to the point of being banned at sporting events, as fully explained in paragraph [02] of Applicant's Specification.

Thus, in summary, the prior art does not have or even recognize the problem solved only by Applicant. It has contrary structure and operates in a totally contrary manner. As the Examiner is keenly aware, such factors do not support

obviousness, rather they prove the non-obvious nature and truly unexpected results of Applicant's invention.


Claims 19 to 28 are presented as dependent upon Claim 18, directly or indirectly, and each claim positively recites additional structure which is nowhere taught or even suggested is the prior art.

Lastly, new Claims 29 - 31 are positively recited and directed to a "pom-pom" including the "launch strip" previously described above. Additionally, Claim 29 recites a plurality of streamers forming the pom-pom. Applicant's prior streamers as shown in his own prior patent were just that; i.e., streamers flying free like comets through the air. There was and is no prior creation of a streamer/pom-pom, and certainly Schofield does not suggest such a novel creature. Accordingly, Claim 29 is fully allowable and such action is requested.

Regarding dependent Claims 30 - 32, each positively recites unique dimensions, which are directly contrary to the 15 - 25 foot long streamers of the prior art. Only Applicant has reversed the normal operation of streamers so to function as a pom-pom not as a loose prior art streamer.

For the foregoing reasons, each of new Claims 16 - 32 is firmly believed to be in order such that the subject Application is in immediate condition for allowance and is so requested.

Respectfully submitted,



Ronald B. Sherer
Counsel for Applicant
Registration No. 19,977

Bartlett & Sherer
103 South Shaffer Drive
New Freedom, PA 17349
Telephone: (717)227-1197
Fax: (717)227-9008